

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 08, 2017

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Austin Henry Phillips Case Number: 0980 1:14CR02065-SMJ-2
Address of Offender: White Swan, Washington 98952
Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, U.S. District Judge
Date of Original Sentence: July 29, 2015
Original Offense: Violation of the Bald and Golden Eagle Act, 16 U.S.C. § 668(a)
Original Sentence: Probation - 36 months Type of Supervision: Probation
Asst. U.S. Attorney: Timothy J. Ohms Date Supervision Commenced: July 29, 2015
Defense Attorney: Federal Defenders Office Date Supervision Expires: July 28, 2018

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 07/20/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
3	<p><u>Mandatory Condition # 5:</u> The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.</p> <p><u>Supporting Evidence:</u> 26 U.S.C. § 5845 (f)(1) states in part, “the term ‘destructive device’ means any explosive, incendiary...” On October 21, and November 10, 2017, Mr. Phillips purchased Sonic Boom which is an explosive rifle target.</p> <p>Mr. Phillips’ conditions were reviewed with him on August 24, 2015. He signed his conditions acknowledging an understanding of his conditions which includes mandatory condition number 5, as noted above.</p> <p>On November 10, 2017, a confidential source (CS) observed Mr. Phillips purchase Sonic Boom from Cabela’s World’s Foremost Outfitter (Cabela’s).</p> <p>On November 15, 2017, this officer made contact with the loss prevention (LP) manager at Cabela’s who was able to provide a copy of Mr. Phillips’ transaction receipt and a video of him purchasing one, four package, 1 pound each Sonic Boom targets.</p> <p>On December 1, 2017, this officer made contact with the LP manager at Cabela’s who was able to provide an additional transaction receipt dated October 10, 2017, and a video of Mr.</p>

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Phillips purchasing one, four package, 1 pound each Sonic Boom targets and two, 10 package, 16.5 grams each Sonic Boom targets. The two, 10 packages of Sonic Boom weigh approximately .75 of a pound; thus, Mr. Phillips purchased an approximate total of 8.75 pounds of Sonic Boom explosive rifle targets over the two transactions.

- 4 **Mandatory Condition # 5:** The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

Supporting Evidence: On November 20, 2017, Mr. Phillips possessed four rifles and ammunition.

Mr. Phillips' conditions were reviewed with him on August 24, 2015. He signed his conditions acknowledging an understanding of his conditions which includes mandatory condition number 5, as noted above.

On November 20, 2017, this officer, along with other United States probation officers and members from federal and local law enforcement conducted a search of Mr. Phillips' residence. During this search, four rifles and ammunition were located in his primary bedroom.

The U.S. Probation Office respectfully recommends the Court incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/08/2017

s/Jonathan Barcom

Jonathan Barcom
U.S. Probation Officer

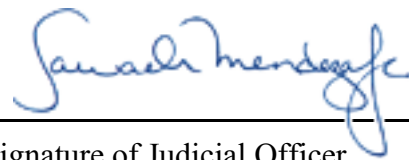
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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

12/08/2017

Date